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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
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11 GINA CARANO,) **Case No.: 2:24-cv-01009-SPG-SK**
12)
13 Plaintiff,) **[PROPOSED] ORDER DENYING**
14 v.) **DEFENDANTS' MOTION TO**
15) **DISMISS FOR FAILURE TO**
16 THE WALT DISNEY COMPANY,) **STATE A CLAIM: [ECF NO. 33]**
17 LUCASFILM LTD, LLC, and)
18 HUCKLEBERRY INDUSTRIES) **Date: June 12, 2024**
19 (US)) **Time: 1:30 p.m.**
20) **Judge: Hon. Sherilyn Peace Garnett**
21 Defendants.) **Courtroom: 5C**
22)
23

24 On April 9, 2024, Defendants file a Motion to Dismiss Plaintiff's
25 Complaint for Failure to State a Claim [ECF No. 33].

26 On May 9, 2024, Plaintiff filed a Response in Opposition to Defendants'
27 Motion.

28 Defendants assert that Plaintiff's claims are barred by the First
Amendment to the U.S. Constitution. Under Defendants' theory, as an
"expressive entity," they have full autonomy to select, retain, or terminate all
actors who appear in any of their movies and shows. The law, however, does

1 not go that far. Indeed, the Supreme Court, the Ninth Circuit, and even other
2 courts in this district have all held that the press and movie and television
3 production companies are not immune from claims of discrimination and
4 retaliation of the kind set out in Plaintiff's Complaint. Plaintiff's Complaint is
5 clear that she was terminated for expressing her personal opinions outside of
6 work and not for any artistic purpose, meaning her termination was not for
7 any reason protected by the First Amendment.

8 For that reason and recognizing that in evaluating a Motion to Dismiss
9 all factual allegations are to be accepted as true and in a light most favorable
10 to the Plaintiff, Defendants have failed to establish their asserted defense.

11 The Court, having considered Defendants' Motion and Plaintiff's
12 Response, hereby:

- 13 1. DENIES the Motion to Dismiss; and
- 14 2. ORDERS that Defendants shall file their Answer to the Complaint
15 within 10 days of the date of this order.

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17 IT IS SO ORDERED.

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19 Dated:

20 _____
21 HON. SHERILYN PEACE GARNETT
22 UNITED STATES DISTRICT JUDGE
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